

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KFD ENTERPRISES, INC.,

No. C-06-0497 MMC

Plaintiff,

v.

CITY OF EUREKA, et al.,

Defendants

**ORDER VACATING OCTOBER 2, 2009
HEARING ON MOTION TO DISMISS
PORTIONS OF FIRST AMENDED
COUNTERCLAIM AND THIRD-PARTY
COMPLAINT OF CITY OF EUREKA AND
MOTION TO STRIKE PORTIONS OF
FIRST AMENDED COUNTERCLAIM AND
THIRD-PARTY COMPLAINT OF CITY OF
EUREKA**

AND RELATED COUNTERCLAIMS AND
THIRD PARTY CLAIMS

Before the Court are two motions: (1) counterclaimant KFP Enterprises, Inc. ("KFP") and third-party defendant Kenneth Daer's ("Daer") Motion to Dismiss Portions of the First Amended Counterclaim and Third-Party Complaint of City of Eureka, filed August 10, 2009; and (2) KFP and Daer's Motion to Strike Portions of the First Amended Counterclaim and Third-Party Complaint of City of Eureka, filed August 10, 2009. The motions have been fully briefed. Having read and considered the papers filed in support of and in opposition to the motions, the Court deems the matters suitable for decision on the parties' respective submissions, and VACATES the hearing scheduled for October 2, 2009.

IT IS SO ORDERED.

Dated: September 30, 2009


MAXINE M. CHESNEY
United States District Judge